

Michael Gould
 District Clerk
 Collin County, Texas
 By Claudia Gomez Deputy
 Envelope ID: 78481871

CAUSE NO. 366-03629-2023

NUETERRA CAPITAL, LLC	§	IN THE DISTRICT COURT
	§	
	§	
VS.	§	366 TH JUDICIAL DISTRICT
	§	
PLATINUM MEDICAL	§	
MANAGEMENT, INC.	§	COLLIN COUNTY, TEXAS

PLAINTIFF'S MOTION FOR CHARGING ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff NUETERRA CAPITAL, LLC ("Plaintiff"), makes this Motion for Charging Order against the interests of PLATINUM MEDICAL MANAGEMENT, INC. ("Platinum" or "Defendant"), the Judgment Debtor in the above-referenced action. Plaintiff makes application to the Court for an order charging the interests of Platinum pursuant to the provisions of Texas Business Organizations Code Section 101.112 and shows:

Plaintiff's Status as Judgment Creditor

On May 3, 2023, in the United States District Court of Kansas, cause number 2-2218-JWB, styled *Central Bank of the Midwest v. Nueterra Capital LLC v. Platinum Medical Management, Inc.*, Plaintiff obtained and now has a judgment against Defendant for the sum of \$8,113.569.14, plus post judgment interest at the rate of \$1,627.90 per day accruing until the judgment is paid in full. This judgment is final, valid, and subsisting and is wholly unpaid. A certified copy of the judgment is attached to this petition as **Exhibit 1** and is incorporated by reference.

Plaintiff thereafter filed its Notice of Filing of Foreign Judgment with this Court pursuant to the Uniform Enforcement of Foreign Judgment Act, Tex. Civ. Prac. Rem.

Code § 35.001, et. seq., which was entered by this Court thereafter on July 12, 2023.

Plaintiff requests the Court take notice of the pleadings on file.

Defendant's Membership Interests

Defendant is and was at all times material to this case affiliated with the following entities:

- MDBODYLABS, which can be served with a charging order by service on its Registered Agent, Platinum Neighbors, Inc., at 801 S Hwy 78, Suite 207, Wylie, Texas 75098;
- Milagro Mio PLLC which can be served with a charging order by service on its Registered Agent, Platinum Neighbors, Inc., at 801 S. Hwy 78, Suite. 307, Wylie, Texas 75098;
- Serenity Herbal Apothecary LLC which can be served with a charging order by service of its Registered Agent, Brandon Deiters, at 801 S. Highway 78, Suite 207, Wylie, Texas 75098;
- Platinum Senior Living LLC, which can be served with a charging order by service on its Registered Agent, Platinum Neighbors, at 801 S. Highway 78, Suite 207, Wylie, Texas 75098;
- Platinum Health Systems LLC, which can be served with a charging order by service on its Registered Agent, Incorp Services, Inc., at 815 Brazos St., Austin, Texas 78701;
- Platinum Care LLC, which can be served with a charging order by service on its Registered Agent, Incorp Services, Inc., at 815 Brazos St., Ste. 500, Austin, TX 78701.; and

- Neighbors Visiting Doctors LLC, which can be served with a charging order by service on its Registered Agent, Brandon Deiters, at 801 S. Hwy 78, Suite 207, Wylie, Texas 75908.

Upon information and belief, Platinum owns interests in each of the these entities: MDBODYLABS, Milagro Mio PLLC, Serenity Herbal Apothecary LLC, Platinum Living LLC, Platinum Health Services LLC, and Platinum Care LLC (collectively, the “Affiliated Entities”), and is entitled to receive distributions, draws, dividends, profits, and/or payments from each of the Associated Entities. The Judgment Debtor, Platinum Medical Management, LLC, formerly known as Platinum Neighbors, Inc., previously provided the organizational chart attached hereto as **Exhibit 2**, to Plaintiff, and it demonstrates that the Platinum has possession and/or control of the Affiliated Entities.

Request for Charging Order

Plaintiff now moves for: (a) an order charging Platinum’s interest in the Affiliated Entities, with a lien in favor of Plaintiff for the payment of Plaintiff’s judgment against Platinum; (b) an order requiring each of the Affiliated Entities to pay Plaintiff all distributions, draws, dividends, profits, or payment of any kind, whether now payable or to become payable in the future, which would otherwise be paid to Platinum; and (c) for an order enjoining Platinum from taking any actions to defeat the effectiveness of the charging order sought herein.

Plaintiff has not been able to discover assets of Defendant subject to execution which would satisfy the judgment (specifically, Brandon Deiters, the COO of Platinum Medical Management, Inc., has represented that Defendant has no employees, financial resources, or other assets associated with it.) Plaintiff is entitled by reason of its judgment

against Platinum to a charging order against the interests of the judgment-debtor in the Associated Entities.

The relief sought in this Motion is in aid of collection of the Judgment from certain assets of Platinum and is not made to harass or injure the Affiliated Entities.

Prayer for Relief

Plaintiff requests that upon hearing, the Court issue an order charging the membership interest of Platinum Medical Management, Inc., in the amount of the judgment attached hereto as Exhibit 1, and further, requiring that the Affiliated Entities (as described herein) distribute all cash and assets to due Platinum Medical Management, Inc., directly to Plaintiff Nueterra Capital LLC, until the unsatisfied judgment, together with costs and attorneys' fees as allowed by law, have been fully paid and satisfied.

Respectfully submitted,
McDONALD SANDERS,
A Professional Corporation

By: /s/ Sarah Kline
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(817) 336-8651 Telephone
(817) 334-0271 Facsimile

ATTORNEYS FOR PLAINTIFF
NUETERRA CAPITAL, LLC

CERTIFICATE OF SERVICE

This is to certify that on the 11th day of August, 2023 I served the foregoing document upon as required by TEX. R. CIV. P. 21a(a)(1) or (2).

Via CMRR & U.S. First Class Mail

Platinum Medical Management, Inc.
709 Business Way
Wylie, Texas 75098

/s/ Sarah Kline

Sarah Kline

UNITED STATES DISTRICT COURT

District of

Kansas

EXEMPLIFICATION CERTIFICATE

I, Skyler B. O'Hara, Clerk of this United States District Court, keeper of the records and seal, certify that the attached documents:

JUDGMENT (Doc. 73) filed 5/3/2023 as to
Case 2:22-cv-02218-JWB-RES, Central Bank of
the Midwest v. Nueterma Capital, LLC et al.

are true copies of records of this Court.

In testimony whereof I sign my name and affix the seal of this Court, in this District, at

Kansas City, KS

on 7/6/2023

City

Date

Clerk

(By) Deputy Clerk

I, Daniel D. Crabtree, a Judicial Officer of this Court, certify that Skyler B. O'Hara, named above, is and was on the date noted, Clerk of this Court, duly appointed and sworn, and keeper of the records and seal, and that this certificate, and the attestation of the record, are in accordance with the laws of the United States.

Date

Signature of Judge

Title

I, Skyler B. O'Hara, Clerk of this United States District Court, keeper of the seal, certify that the Honorable Daniel D. Crabtree, Judge

named above, is and was on the date noted a Judicial Officer of this Court, duly appointed, sworn and qualified, and that I am well acquainted with the Judge's official signature and know and certify the above signature to be that of the Judge.

In testimony whereof I sign my name, and affix the seal of this Court at

Kansas City, KS

in this State, on

7/6/2023

City

Date

Clerk

(By) Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CENTRAL BANK OF THE MIDWEST,

Plaintiff,

v.

NUETERRA CAPITAL, LLC,

Defendant/Third Party Plaintiff,

v.

PLATINUM MEDICAL MANAGEMENT, INC.,

Third Party Defendant.

U.S. DISTRICT COURT
DISTRICT OF KANSAS

SS:
I hereby certify that the foregoing
is a true copy of the original on file
in this court and cause.

SKYLER B. O'HARA, Clerk

By [Signature]
Deputy

Dated: 7/6/2023

Case No. 22-2218-JWB

JUDGMENT IN A CIVIL CASE

- ☐ Jury Verdict. This action came before the Court for a jury trial. The issues have been tried and the jury has rendered its verdict.
- ☒ Decision by the Court. This action came before the Court. The issues have been considered and a decision has been rendered.

In accordance with the court's memorandum and order (Doc. 60), judgment is entered against Defendant in the amount of \$8,113,569.14.¹ Plaintiff is entitled to post-judgment interest at the contract rate of \$1,627.90 per day until the judgment is paid in full.

In accordance with the court's order granting Defendant's second motion for default judgment (Doc. 71) against Third-Party Defendant Platinum Medical Management, Inc ("Platinum"), judgment is entered in favor of Third-Party Plaintiff Nueterra and against Platinum in the amount of \$8,113,569.14 with post-judgment interest at the contract rate of \$1,627.90 per day until the judgment is paid in full.

¹ This includes the principal amount of \$8,019,150.94 plus a per diem rate of \$1,627.90 for the days between March 6, 2023, the date of the court's decision, and the date the judgment is entered, May 3, 2023.

May 3, 2023

Date

SKYLER B. O'HARA
CLERK OF THE DISTRICT COURT

by: s/ Joyce Roach

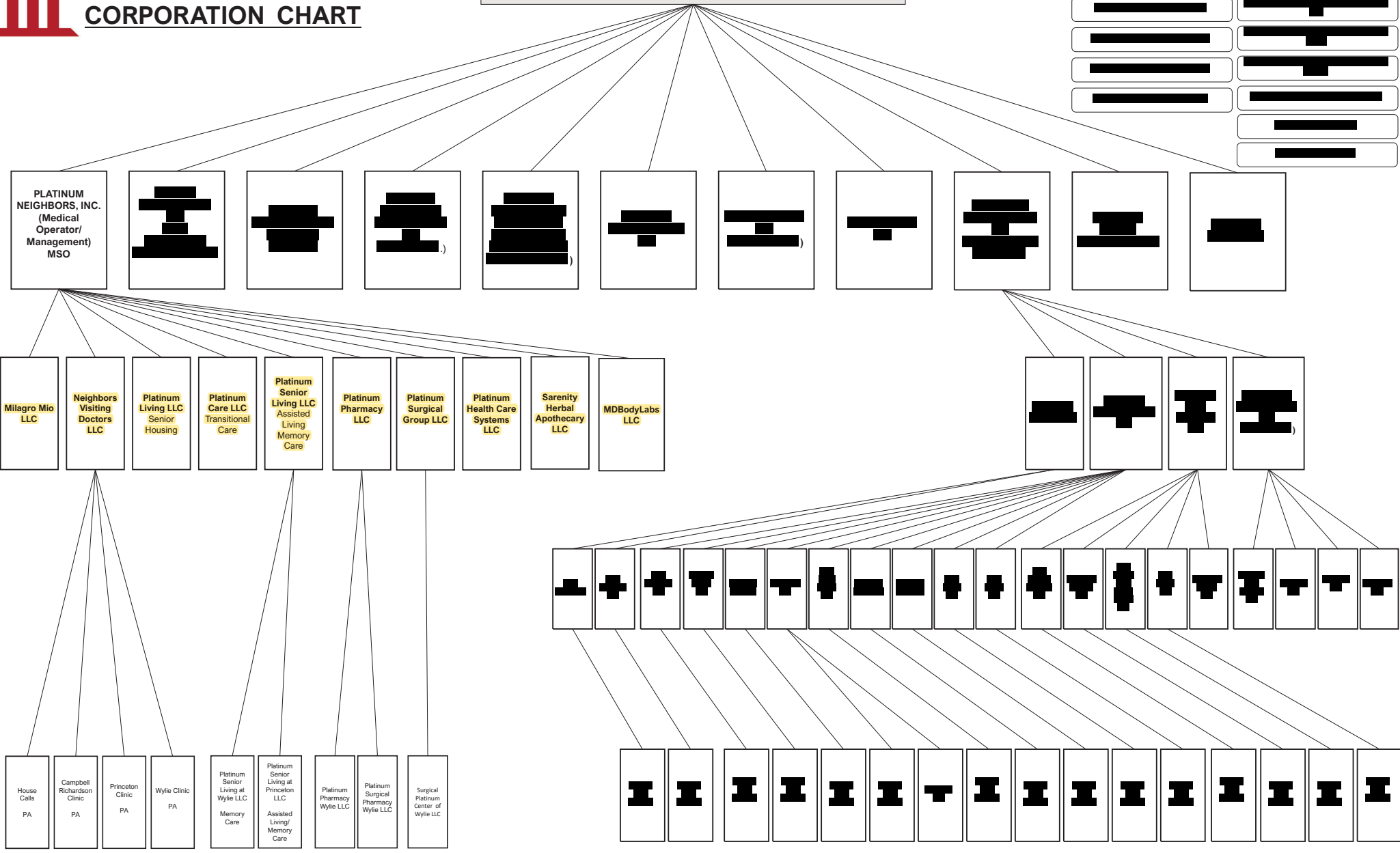
Deputy Clerk



**PLATINUM TEAM MANAGEMENT
CORPORATION CHART**

PLATINUM TEAM MANAGEMENT, INC. ("PT.M.")

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
	[REDACTED]
	[REDACTED]



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Traci Shakeshaft on behalf of Richard DeBerry
Bar No. 783948
tshakeshaft@mcdonaldlaw.com
Envelope ID: 78481871
Filing Code Description: Motion
Filing Description: Plaintiff's Motion For Charging Order
Status as of 8/14/2023 10:08 AM CST

Associated Case Party: Nueterra Capital, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Richard C.DeBerry		rcd@mcdonaldlaw.com	8/14/2023 9:27:47 AM	SENT
Sarah M.Kline		smk@mcdonaldlaw.com	8/14/2023 9:27:47 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Traci Shakeshaft		tms@mcdonaldlaw.com	8/14/2023 9:27:47 AM	SENT
Tamara Lee		tlee@mcdonaldlaw.com	8/14/2023 9:27:47 AM	SENT